

REMARKS

Claim Objections

The claims were objected to based upon informalities. The objections have been overcome by the amendments. Withdrawal of the rejection is requested.

Claim Rejections - 35 U.S.C. §101

Claims 13, 16 and 17 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. These claims have been canceled.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1-4, 6-12, 13, 16 and 17 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by United States Patent No. 7,066,178 to Gunaratnam. Claims 13, 16 and 17 have been canceled. Reconsideration and withdrawal of the rejection with regard to claims 1-4 and 6-12 is requested.

The claims and the summary have amended to clarify the patient interface is a mask.

Gunaratnam discloses a connector 10 that is connected to a mask 12 with a gas washout vent. The connector 10 is a long tubular piece that can be connected to any mask. The vent is formed between the boundary of the removable cap 36 and the connector 10. The Examiner contends the connector 10 is the patient interface and the removable cap is 36 the outlet member.

Claims 1, 10 and 12 require a mask. The mask has an outlet member attached to it or integrated with it, and the boundary between the outlet member and the mask forms a narrow

outlet vent.

The connector 10 in Gunaratnam is clearly not a mask, and cannot function as mask. Further, if the connector 10 of Gunaratnam is assumed to be the outlet member as claimed, then the boundary between the connector 10 and the mask 12 does not form an outlet vent. The boundary between the connector 10 and the mask 12 of Gunaratnam forms an “inlet portion” 50 as stated in Col. 6, lines 11, 16 and 24. The “inlet portion” 50 allows gases into the mask 12 and does not form an outlet vent to pass expired gases as required by the claims.

Therefore, Applicants submit independent claims 1, 10 and 12 are not anticipated by Gunaratnam. Moreover, Applicants submit that Gunaratnam cannot be modified to render obvious amended claims 1, 10, 12. Reconsideration and allowance is requested.

Claims 2-4, 6, 8 and 9 are dependent upon claim 1 which Applicants submit is allowable. Therefore, Applicants submit that claims 2-4, 6, 8 and 9 are allowable. Reconsideration and allowance is requested. Claim 11 is dependent upon claim 10 which Applicants submit is allowable. Therefore, Applicants submit that claim 11 is allowable. Reconsideration and allowance is requested.

Moreover, claim 2 requires that the mask has a slot formed within the mask and a cover extending over the slot attached to the mask, such that separation between the mask and the cover increases to the edge of the cover to diffuse the exhaled gases. This means the slot is tapered such that it is widest at the edge of the cover, since the separation between the mask and the cover increases to the edge of the cover. Gunaratnam does not disclose or suggest separation between the mask 12 and cover, removable cap 36, increasing to the edge of the cover to diffuse the exhaled gas. Gunaratnam does not disclose or suggest a slot formed in the mask and a cover

extending over the slot. Gunaratnam also does not disclose or suggest the separation between the mask and the cover increasing to the edge of the cover to diffuse exhaled gas. Figure 6 shows the separation between the connector 10 and the outlet portion or outlet vent 52 becoming narrower as it approaches the edge of the cover 36. Therefore Applicants, submit claim 2 is not anticipated by Gunaratnam. Reconsideration and allowance is requested.

Claim Rejections - 35 U.S.C. §103

Claims 13, 16 and 17 were rejected under 35 U.S.C. §103 as being unpatentable over Gunaratnam. These claims have been canceled.

Other Matters


An Information Disclosure Statement is concurrently filed herewith. Consideration is requested.

A Petition for a One-Month Extension of Time is concurrently submitted herewith to extend deadline to file a response to this Office Action to September 15, 2009.

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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By: 

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